

REMARKS

The Final Office Action mailed November 25, 2008, has been received and reviewed. Each of claims 1-5, 8-23, and 25-41 stand rejected and remain pending. Claims 1-5, 9-16, 18-23, 25-26, 28, and 32-41 are amended herein. Claims 17 and 27 are cancelled herein. Claims 42-46 are new. Care has been exercised to introduce no new matter. Applicants respectfully request reconsideration of the rejections in view of the above amendments and the following remarks.

Improper Rejection

I. The 35 U.S.C. § 102(e) rejection of claims 8, 18, 25, 28, 29, 32 and 41 is an improper omnibus rejection

The Applicants respectfully submit that the Final Office Action (hereinafter “the Office Action”) mailed November 25, 2008 includes an improper omnibus rejection of independent claims 8, 18, 25, 28, 29, 32, and 41. With respect to omnibus rejections, MPEP states:

A plurality of claims should never be grouped together in a common rejection, unless that rejection is equally applicable to all claims in the group.

MPEP § 707.07(d). The Office Action states that independent claims 1, 8, 13, 18, 25, 28, 29, 32, 39, and 41 are anticipated by U.S. Publication No. 2006/0026001 to Bravin et al. (“Bravin”). *Office Action of November 25, 2008*, pg. 3. However, the Office only explains how citations from Bravin apply to independent claim 1. The grounds for this rejection are not properly applicable to claims 8, 18, 25, 28, 29, 32, and 41 at least because these claims have elements that are not recited in independent claim 1. Illustrative examples include “referencing said source information against said profiles database to identify one of said plurality of agents to facilitate

said communication,” as recited in independent claim 8; “based on said signaling information and said profile data, denoting a hierarchy of one or more of said plurality of agents to facilitate said communications request,” as recited in independent in claim 18; “receiving a request to establish said communications link between said set of persons, wherein said request is to be directed to one of a plurality of receiving components,” as recited in independent claim 25; “one or more computer-readable media having computer usable instructions embodied thereon for referencing said preferences database and said profiles database incident to receiving said communications request to designate an order of one or more of said agents to facilitate said communications request,” as recited in independent claim 28; “monitoring a plurality of agents who may facilitate said communications request by serving as an intermediary,” as recited in independent claim 32; and “providing a profiles database that contains a plurality of entries related to a plurality of agents who may respond to said communications request of facilitate said communications between said plurality of users and said plurality of desired recipients,” as recited by independent claim 41. All of the aforementioned elements are not present in independent claim 1 and therefore not properly rejected in the Office Action.

II. Remedy

Applicants respectfully request withdrawal of the Final Office Action and issuance of a Supplementary Action explicitly explaining how the cited reference anticipates the aforementioned claims.

Where ... an Office action contains some other error that affects the applicant's ability to reply to the Office action ...the Office will set a new period for reply, if requested to do so by the applicant, to substantially equal the time remaining in the reply period...A supplementary action after a rejection explaining the references more explicitly or giving the reasons more fully, even though no further references are cited establishes a new date from which the statutory period runs.

MPEP § 710.06. Applicants respectfully request entry of the preceding claim amendments as set forth above.

Rejections based on 35 U.S.C. § 112

Claims 9-12 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office noted that claim 9 recites the limitation “The media” in line 1, and that there is insufficient antecedent basis for this limitation in the claim. Claims 9-12 are amended herein to recite “The computer-readable media”, which has antecedent basis in independent claim 8. It is respectfully submitted that the proposed amendments overcome the 35 U.S.C. § 112 rejection. As such, the Applicants respectfully request withdrawal of the 35 U.S.C. § 112 rejection.

Rejections based on 35 U.S.C. § 102(e)

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdeggal Brothers v. Union Oil co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 2 USPQ 2d 1913, 1920 (Fed. Cir. 1989). *See also*, *MPEP* § 2131.

Claims 1-5, 8-23, and 25-41 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2006/0026001 to Bravin et al. (“Bravin”). Each of claims 17 and 27 have been cancelled herein and, accordingly, the rejection of these claims has been rendered moot. As Bravin fails to describe, either expressly or inherently, each and every

element recited in the remaining claims (*i.e.*, claims 1-5, 8-16, 18-23, 25, 26, 28-41), Applicants respectfully traverse this rejection, as hereinafter set forth.

Independent claim 1, as amended herein, recites “retrieving statistical data related to the plurality of agents, selecting a specific agent from the plurality of agents based on the set of preferences, the statistical data, and the profile data, wherein the specific agent possesses attributes consistent with at least a portion of the set of preferences and profile data, and routing the communications request to the specific agent, who is able to receive the communications request and facilitate the call.”

The Bravin reference, on the other hand, discloses a system and method that enables a deaf person to communicate in sign language by way of a video computing device and a sign language interpreter. A spoken message may then be relayed to a hearing party. Alternatively, a sign language message may be sent to a deaf person from a hearing party. *See, e.g., Bravin*, Abstract.

Bravin does not disclose “retrieving statistical data related to the plurality of agents” as recited by amended claim 1. Bravin also does not disclose “selecting a specific agent from said plurality of agents based on said set of preferences, said statistical data, and said profile data” as recited by amended claim 1. Accordingly, it is respectfully submitted that Bravin fails to describe, either expressly or inherently, each and every element of amended independent claim 1. Thus, it is respectfully submitted that claim 1 is not anticipated by Bravin. Therefore, withdrawal of the 35 U.S.C. § 102(e) rejections of claim 1 and its corresponding dependent claims is respectfully requested.

Independent claim 8 recites “providing a profiles database that stores a set of attributes associated with one or more of a plurality of agents, extracting source information from said request, referencing said source information against said profiles database to identify

one of said plurality of agents to facilitate said communication, and directing said communication to said identified agent who may then facilitate said call between said initiator and said desired recipient.”

Bravin does not disclose “providing a profiles database that stores a set of attributes associated with one or more of a plurality of agents” as recited in independent claim 8. As stated previously, the Office did not provide an explanation of where Bravin discloses the specific elements of claim 8. Bravin does disclose retrieving profile data for a deaf party (the initiator), but storing a set of attributes in a profiles database for a plurality of agents is not disclosed. *See, Bravin*, p. 2, ¶ [0010]. Therefore, Bravin also does not disclose “referencing said source information against said profiles database to identify one of said plurality of agents to facilitate said communication” as recited by independent claim 8.

Accordingly, it is respectfully submitted that Bravin fails to describe, either expressly or inherently, each and every element of independent claim 8. Thus, it is respectfully submitted that claim 8 is not anticipated by Bravin. Therefore, withdrawal of the 35 U.S.C. § 102(e) rejections of claim 8 and its corresponding dependent claims is respectfully requested.

Independent claim 13, as currently amended, recites “retrieving profile data related to a plurality of agents who may respond to said communications request to facilitate communications between said user and said desired recipient, and routing said communications request to a specific agent, wherein said specific agent possesses attributes consistent with at least a portion of the set of preferences and profile data, wherein routing said communications request to a specific agent includes identifying said specific agent prior to when said routing requests reach a telephony server, thereby substantially eliminating any delay between receiving said communications request at said telephony server and directing said request to said identified agent.”

Bravin does not disclose “routing the communications request to a specific agent, wherein the specific agent possesses attributes consistent with at least a portion of the set of preferences and profile data, wherein routing the communications request to a specific agent includes identifying the specific agent prior to when the routing requests reach a telephony server, thereby substantially eliminating any delay between receiving the communications request at the telephony server and directing the request to the identified agent” as recited by amended independent claim 13. The Office cited Bravin page 6, paragraph [0050] in reference to “wherein routing the communications request to a specific agent includes identifying the specific agent prior to when the routing requests reach a telephony server, thereby substantially eliminating any delay between receiving the communications request at the telephony server and directing the request to the identified agent”. In this citation, Bravin discloses enabling a deaf party to preselect a greeting before being connected with a relay interpreter. Bravin also discloses that “the VRS is enabled to select the relay interpreter that best meets the needs of the subscriber for the particular video call.” Bravin does not disclose “identifying the specific agent prior to when the routing requests reach a telephony server” [emphasis added] as recited by independent claim 13. This fact is supported by Bravin’s statement that “if the phone number of the hearing party is in the look-up table for the deaf party, then a preferred language can be retrieved and a relay interpreter for the preferred language can be selected.” To perform this step, both the hearing party and the deaf party have to be identified, thus the request must have already been received prior to selecting the relay interpreter. Therefore, Bravin discloses selecting the interpreter after the request reaches the server. For at least this reason, Bravin does not describe, either expressly or inherently, each and every element of independent claim 13. Withdrawal of the 35 U.S.C. § 102(e) rejections of this claim and its corresponding dependent claims is respectfully requested.

Independent claim 18, as currently amended, recites “based on said signaling information and said profile data, denoting a hierarchy of one or more of said plurality of agents to facilitate said communications request; and routing said communications request to at least one of said one or more of said plurality of agents in said hierarchy, who is able to receive said communications request and facilitate said call.”

Bravin does not disclose “denoting a hierarchy of one or more of said plurality of agents to facilitate said communications request” as recited in independent claim 18. As previously established, the Office Action does not provide a specific explanation of where Bravin discloses the specific elements of claim 18. Specifically, the Office never states where in the Bravin reference “denoting a hierarchy of one or more of said plurality of agents to facilitate said communications request” is disclosed. The Applicants respectfully submit that Bravin does not disclose this element, and if the Office wishes to maintain this rejection, the Applicants respectfully request that the Office specifically point out where they believe Bravin discloses each element of claim 18.

At least because Bravin does not disclose “denoting a hierarchy of one or more of said plurality of agents to facilitate said communications request”, Bravin also does not disclose “routing said communications request to at least one of said one or more of said plurality of agents in said hierarchy, who is able to receive said communications request and facilitate said call” as recited in independent claim 18. As such, it is respectfully submitted that Bravin fails to describe, either expressly or inherently, each and every element of independent claim 18. Withdrawal of the 35 U.S.C. § 102(e) rejections of this claim and its corresponding dependent claims is respectfully requested.

Independent claim 25, as currently amended, recites “receiving a request to establish said communications link between said set of persons, wherein said request is to be

directed to one of a plurality of receiving components; identifying one of said plurality of receiving components to satisfy said request; prior to communicating said request to said identified receiving component, identifying an agent from a plurality of agents to facilitate said communications link, wherein identifying an agent comprises: (a) retrieving a set of attributes associated with a calling source; (b) retrieving profile data related to said plurality of agents; (c) retrieving statistical data related to said plurality of agents; and (d) selecting a specific agent from said plurality of agents based on said set of attributes, said profile data, and said statistical data; and communicating said request to said identified receiving component, whereby said request can be routed to said identified agent immediately incident to being received by said receiving component.”

Bravin does not disclose “receiving a request to establish said communications link between said set of persons, wherein said request is to be directed to one of a plurality of receiving components; identifying one of said plurality of receiving components to satisfy said request” as recited by claim 25. Bravin does disclose having a single “video communications relay center” where the systems disclosed by Bravin are housed, but Bravin never discloses having a plurality of such centers and having to identify which of the rely centers to route a request as required by independent claim 25. *See, e.g., Bravin*, p. 3, ¶ [0027]. Additionally, FIG. 2 of Bravin denotes only one such video communications rely center. Accordingly, Bravin also does not disclose “communicating said request to said identified receiving component, whereby said request can be routed to said identified agent immediately incident to being received by said receiving component” as recited by claim 25.

Bravin also does not disclose “wherein identifying an agent comprises: (a) retrieving a set of attributes associated with a calling source; (b) retrieving profile data related to said plurality of agents; (c) retrieving statistical data related to said plurality of agents; and (d)

selecting a specific agent from said plurality of agents based on said set of attributes, said profile data, and said statistical data” as recited by amended claim 25. As such, it is respectfully submitted that Bravin fails to describe, either expressly or inherently, each and every element of independent claim 25. Withdrawal of the 35 U.S.C. § 102(e) rejections of this claim and its corresponding dependent claims is therefore respectfully requested.

Independent claim 28, as currently amended, recites “a profiles database for storing a set of attributes associated with a plurality of agents who facilitate calls between parties, a statistics manager for computing statistical data related said plurality of agents, and one or more computer-readable media having computer-useable instructions embodied thereon for referencing said preferences database, said statistics manager, and said profiles database incident to receiving said communications request to designate an order of one or more of said agents to facilitate said communications request.”

As established previously with respect to independent claim 8, Bravin does not disclose “a profiles database for storing a set of attributes associated with a plurality of agents who facilitate calls between parties” as recited by independent claim 28. As stated previously, the Office did not provide an explanation of where Bravin discloses the specific elements of claim 28. Bravin does disclose retrieving profile data for a deaf party (the initiator), but storing a set of attributes in a profiles database for a plurality of agents is not disclosed. *See, e.g., Bravin*, p. 2, ¶ [0010].

Additionally, Bravin does not disclose “a statistics manager for computing statistical data related said plurality of agents, and one or more computer-readable media having computer-useable instructions embodied thereon for referencing said preferences database, said statistics manager, and said profiles database incident to receiving said communications request to designate an order of one or more of said agents to facilitate said communications request” as

recited by independent claim 28. As such, it is respectfully submitted that Bravin fails to describe, either expressly or inherently, each and every element of independent claim 28. Withdrawal of the 35 U.S.C. § 102(e) rejections of this claim and its corresponding dependent claims is therefore respectfully requested.

Independent claim 32 recites “monitoring a plurality of agents who may facilitate said communications request by serving as an intermediary, extracting source information from said communications request, and based on said monitoring and said source information, directing said communications request to one or more of said plurality of agents.”

Bravin does not disclose “monitoring a plurality of agents who may facilitate said communications request by serving as an intermediary” as recited by claim 32. As previously established, the Office Action does not provide a specific explanation of where Bravin discloses the specific elements of claim 32. Specifically, the Office never states where in the Bravin reference “monitoring a plurality of agents” is disclosed. The Applicants respectfully submit that Bravin does not disclose this element, and if the Office wishes to maintain this rejection, the Applicants respectfully request that the Office specifically point out where they believe Bravin discloses each element of claim 32.

Therefore, Bravin also does not disclose “based on said monitoring and said source information, directing said communications request to one or more of said plurality of agents” as recited by claim 32. As such, it is respectfully submitted that Bravin fails to describe, either expressly or inherently, each and every element of independent claim 32. Withdrawal of the 35 U.S.C. § 102(e) rejections of this claim and its corresponding dependent claims is therefore respectfully requested.

Independent claim 39, as currently amended, recites “retrieving statistical data related to said plurality of agents, and matching said initiator to one or more of said agents based

said statistical data and on a relationship between said set of preferences and said profile data, wherein said one or more of said agents have attributes consistent with at least a portion of said set of preferences and profile data.”

Bravin does not disclose “retrieving statistical data related to said plurality of agents” and “matching said initiator to one or more of said agents based said statistical data and on a relationship between said set of preferences and said profile data” as recited by independent claim 39. As such, it is respectfully submitted that Bravin fails to describe, either expressly or inherently, each and every element of independent claim 39. Withdrawal of the 35 U.S.C. § 102(e) rejections of this claim and its corresponding dependent claims is therefore respectfully requested.

Independent claim 41, as currently amended, recites “providing a preferences database that contains a plurality of entries associated with said plurality of users, wherein said preferences database includes customer-preferred routing information for each of said plurality of users, providing a profiles database that contains a plurality of entries related to a plurality of agents who may respond to said communications request to facilitate said communications between said plurality of users and said plurality of desired recipients, and matching said users to said agents based on a comparison between said entries of said preferences database and said entries of said profile database.”

As previously established with regard to independent claims 8 and 28, Bravin does not disclose “providing a profiles database that contains a plurality of entries related to a plurality of agents who may respond to said communications request to facilitate said communications between said plurality of users and said plurality of desired recipients” as recited by claim 41. Bravin also does not disclose “providing a preferences database that contains a plurality of entries associated with said plurality of users, wherein said preferences

database includes customer-preferred routing information for each of said plurality of users” as recited by independent claim 41. As such, it is respectfully submitted that Bravin fails to describe, either expressly or inherently, each and every element of independent claim 41. Withdrawal of the 35 U.S.C. § 102(e) rejection of this claim is therefore respectfully requested.

CONCLUSION

For at least the reasons stated above, claims 1-5, 8-16, 18-23, 25, 26, 28-46 are now in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned – 816-474-6550 or jcamacho@shb.com (such communication via email is herein expressly granted) – to resolve the same. It is believed that no fee is due, however, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 21-0765.

Respectfully submitted,

/Jesse Camacho/

Jesse J. Camacho
Reg. No. 51,258

JJC/CAP/bp
SHOOK, HARDY & BACON L.L.P.
2555 Grand Blvd.
Kansas City, MO 64108-2613
816-474-6550